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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,066	04/20/2001	Sanjiv Maurya	35451/108 (3569.Palm)	2379

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EXAMINER
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NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
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2455

MAIL DATE	DELIVERY MODE
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02/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/839,066	<b>Applicant(s)</b> MAURYA ET AL.	
	<b>Examiner</b> ASAD M. NAWAZ	<b>Art Unit</b> 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-39 and 42-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-39 and 42-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed 11/27/08. Claims 31-39 and 42-50 are presented for examination.

#### ***Examiner's Note***

2. The Examiner has noted several intended use clauses. Such recitations may render parts of the claims optional (see MPEP 2111.04)

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 31-39 and 42-50 are rejected under 35 U.S.C. 102(e) as being taught by Park (USPAT: 6937588).

As to claim 36, Park teaches a handheld computer system to access content, comprising: a handheld computer (Fig 2b, 210) capable of transmitting a request for content, a first server in communication with the handheld computer (col 8, lines 24-33; the push server), a second server in communication with the first server, the second server receiving a request for content, the second server being configured with software to send the request for content to the source of the content if the second server is

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configured with a formatting software for the type of content (Fig 2B, 230; col 8, lines 1-56)

A third server in communication with the first server and with the second server and the third server being a source for the content requested by the handheld computer and the third server receiving the request from the second server and delivering the content back to the second server (Fig 2B; 250; col 8, lines 1-56), a server program running on the second server and the server program configured to format the content into a form for delivery to a handheld computer (Abstract; WAP conversion), wherein the first server is configured to retrieve formatted content from the second server and is configured to send the formatted content to the handheld computer (abstract, col 8, lines 13-33)

and a handheld program running on the handheld computer and configured to receive the formatted content by the server program, from the first server and accordingly provide access to the content by a user using the handheld computer, although the handheld computer not having software which could access the unformatted content (col 2, line 59 to col 4 line 32) wherein the first server is configured to retrieve the formatted content from the second server and is configured to send the formatted content to the handheld computer.

As to claim 31, Park teaches the system of claim 36 wherein the first server is configured to receive the request for content from the handheld computer (col 8, lines 24-34).

As to claim 32, Park teaches the system of claim 36, wherein the handheld computer is in wireless communication with the first server (fig 2b).

As to claim 33, Park teaches the system of claim 31, wherein the first server is configured to retrieve the content from the third server (Fig 2b; col 8, lines 1-56).

As to claim 34, Park teaches the system of claim 33, wherein the first server is configured to provide the content to the second server (col 10, lines 41-46).

As to claim 35, Park teaches the system of claim 34, wherein the second server is configured to convert the content to a converted format suitable for communications to the handheld computer (col 11, lines 8-29).

As to claim 37, Park teaches the system of claim 31 wherein the first server is configured to communicate a link to the content on the third server to the second server (fig 2B; col 10, lines 41-46).

As to claim 38, Park teaches the system of claim 37 wherein the second server is configured to retrieve the content from the third server (Fig 2b; col 8, lines 1-56).

As to claim 39, Park teaches the system of claim 38, wherein the second server is configured to convert the content to a converted format suitable for communication to the handheld computer (abstract).

Claims 42-50 are rejected under similar rationale as the above-mentioned claims.

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive. The applicant states that amendments to the claims overcome the prior art of record applied.

In response, the applicant seems to reiterate claim limitations already present in the claims. For example, claim 47 had similar limitations that were canceled and replaced with substantially the same limitations. Furthermore, the examiner points out that a vast majority of the claims are based upon intended use recitations (i.e. configured to). Such claim terminology may render some claims optional. The examiner has put his best effort to respond to arguments without further specific arguments submitted.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455